

California Regional Water Quality Control Board
Santa Ana Region

October 26, 2001

ITEM: 24

SUBJECT: Executive Officer's Report

DISCUSSION:

1. **Temescal Basin Desalter** – The City of Corona held a dedication ceremony on October 9th for their Temescal Basin Desalter. The Desalter is a state-of-the-art facility that will provide high quality drinking water to the Corona community. In addition, the facility will help clean up the underlying groundwater subbasin. The facility was designed to reduce Corona's dependence on imported water from the State Water Project and the Colorado River.

In response to a Cease and Desist Order issued by the Board, construction of the facility began in the fall of 1998. The project is comprised of approximately 6 miles of pipelines, 5 new wells, a blending station, and 945 reverse osmosis membranes. The project cost approximately \$32.5 million. Funding for the project was from the sale of revenue bonds and a \$25 million grant provided by the Metropolitan Water District of Southern California (MWD) that will be allocated based on water produced from the Desalter.

The facility currently produces 10 million gallons per day (mgd) of high quality, blended water. An additional capacity increment (a 5-mgd expansion) is expected to be fully operational by January 1, 2004. Previously, the City had not planned to construct this increment until 2012. However, in response to a recently issued Administrative Civil Liability Complaint, the City of Corona has committed to greatly accelerate the desalter expansion, as a supplemental environmental project. It is estimated that an additional 24,600 pounds per day of salt will be removed from the basin as a result of this expansion.

2. **Meeting on San Timoteo Creek Reach 3B Flood Control Project** – On October 11, 2001, Board staff convened two meetings to discuss issues and concerns related to the Reach 3B project. In the morning, staff (Joanne Schneider, Jun Martinez, Mark Adelson and Jawed Shami) met with representatives of the U.S. Army Corps of Engineers (Ruth Villalobos, Joy Jaiswal, Girish Desai, Antal Szijj), the San Bernardino County Flood Control District (Jim Borcuk, Vana Olson, David Lovell), Corps consultants (Bob Hall of Tetra Tech, Jacqueline Schoenecker and Lyndon Quon of EDAW), and Jill Terp

of the U.S. Fish and Wildlife Service (by teleconference). In the afternoon, we were joined by representatives of the City of Redlands (Gary George), the Tri-County Conservation League (Greg Ballmer, Ken Osborne), the San Timoteo Greenway Conservancy (Peter Kiriakos and, by telephone, Lisa Pierce), the Redlands Association (Bill Cunningham), and the Dangermond Group (Brian Collett). Because of legal constraints associated with pending litigation on the Reach 3B project, the County Flood Control District staff were unable to participate in the afternoon session. Department of Fish and Game staff were unable to participate in either meeting.

The discussion was frank and open and focused principally on three issues: the use and administration of the \$1.62 M set aside by the Corps for mitigation purposes; environmental analysis and possible reconsideration of the low flow channel upstream of the sediment basins and downstream of Alessandro Road; and the width and location of the proposed wildlife corridor. Other issues discussed included assurance of a long-term water supply in San Timoteo Creek and analysis of the effects of the Reach 3B project on sediment transport and habitat in the Santa Ana River. The discussion of these matters is summarized below.

Use/Administration of \$1.62M for Mitigation

The Greenway Conservancy and Tri-County Conservation League reiterated their concerns that mitigation for the project should be conducted within the San Timoteo Creek watershed and not along the Santa Ana River. The draft waste discharge requirements for the project, which reflect the language of the Biological Opinion prepared by the U.S. Fish and Wildlife Service, indicate that as part of the project mitigation, about 35 acres of degraded wetland/riparian habitat along the Santa Ana River would be restored and preserved, or, as an alternative, that \$1.62M would be contributed for use within the San Timoteo Creek watershed. It was clear from our discussion on October 11, 2001 that all parties (including Board staff and the U.S. Fish and Wildlife Service) agree that mitigation should take place within the San Timoteo Creek watershed. In fact, the Service has drafted a Plan of Action for review by the Department of Fish and Game (as well as the Corps). The purpose of the Plan of Action is to identify the mitigation that will be provided within the San Timoteo Creek watershed. This mitigation will include habitat acquisition, restoration and management, and non-native invasive species control (e.g., *Arundo* removal). One party at our October 11th meeting asked that the waste discharge requirements be revised to reflect that the preferred option is to mitigate within the San Timoteo Creek watershed, rather than along the Santa Ana River. While Board staff pointed out that such revisions would not substantively affect the implementation of either the waste discharge requirements or the Plan of Action, we are preparing an errata sheet to implement the requested revision(s).

There was much discussion about how the \$1.62M would be used. The Greenway Conservancy and the Tri-County Conservation League, in particular, asserted that the money should not be spent on *Arundo* or other invasive species removal but, rather, on land/habitat acquisition. The argument forwarded was that the money would be better spent on land acquisition now, while property prices are more affordable, rather than on the removal of plant species that would reestablish themselves in any event. Jill Terp of the Fish and Wildlife Service pointed out that the draft Plan of Action includes both habitat acquisition and non-native species removal. Board staff believes that this provides the needed flexibility to provide mitigation in an effective and efficient manner.

Finally, there was a great deal of discussion concerning the agency or party that would be responsible for administration of the funds. Initially, the Santa Ana River Conservation Trust Fund was identified as the likely administrator. The parties administering this Fund include the Santa Ana Watershed Association, made up of a number of Resource Conservation Districts, the Orange County Water District and the Riverside County Department of Parks and Recreation. The Fund has been used for extensive *Arundo* removal within the Santa Ana River watershed, including San Timoteo Creek. On October 11, 2001, strong opposition to assigning the \$1.62M to this fund was voiced by the environmental representatives. This opposition reflected the belief that the money should not be spent on *Arundo* removal, the Fund's major focus to date, but rather on land acquisition. Gary George, the Mayor *pro tem* of the City of Redlands, asked whether the City could act as the custodian of the funds, particularly in view of the City's current efforts at land acquisition along the Reach 3B corridor. Mr. George indicated that the City had received about \$ 2.5M in a grant from the US EPA to assist that effort, and hoped to obtain additional funds. Mr. George indicated that the \$1.62M might be used to leverage additional resources. Mr. Kiriakos expressed the Greenway Conservancy's support for the City of Redlands, or, alternatively, for the assignment of the funds to the County. In response, the Corps representatives pointed out both legal and practical constraints. Corps representatives believe that current regulations prevent the assignment of the \$1.62M to political entities. Further, there was concern that a substantial portion of the money could be expended in administration rather than mitigation. The Fish and Wildlife Service representative pointed out also that the Service would not be amenable to assigning the funds to an agency/party without an established track record of executing environmental restoration projects. The Corps reiterated these concerns and pointed out that the Corps/County are responsible for the mitigation and must have assurance that the mitigation is executed satisfactorily. Ms. Terp pointed out further that the draft Plan of Action incorporates flexibility in the selection of the agency/party that would oversee the funds. Again, Board staff believes that this is a reasonable and appropriate approach.

Low Flow Diversion Channel

As now contemplated, the Reach 3B project includes the construction and maintenance of a 40 foot-wide low flow channel extending downstream of Alessandro Road approximately 1800 feet. From that point downstream to the terminus of the proposed sediment basins in the Creek, the channel would narrow to 20 feet. At the October 11, 2001 meeting, there was discussion about whether environmental analysis had been conducted for this part of the project, and whether and why this project element was needed.

Corps staff and consultants pointed to relevant portions of the draft and final EIR/EIS for the project documenting environmental consideration of the low flow channel. Corps staff then described the basis for this part of the project, which was to address flooding concerns for private properties on the north side of the Creek and the railroad that parallels the Creek on the south side. The Corps had initially proposed to construct bank stabilization to address these concerns. However, the Fish and Wildlife Service objected, since there is a substantial expanse of well-established vegetation in the area that would be impacted to protect the railroad. As an alternative, the Corps proposed a 40 foot-wide low flow channel to direct flows away from vulnerable stream banks. It was recognized that this channel would not assure long-term flood protection for the railroad. The Corps and the Service then negotiated a revised channel design, with the 40 foot-wide channel narrowing to 20 feet to minimize impacts to downstream vegetation. Despite the reduction in channel width, the Corps has committed to complete the mitigation identified for the wider channel. During the October 11, 2001 meeting, the merits of the channel approach versus bank stabilization were discussed. There was consensus that high storm flows would wash out all the stream vegetation in the area. A number of parties suggested that it would make more sense in the long-term to complete the bank stabilization, at least for the railroad, to assure a long-term flood control fix, and to reduce the size and/or length of the low flow channel. This would minimize both construction and maintenance impacts associated with that channel. The Corps staff indicated their acceptance of this concept, but pointed out that the County Flood Control District and the Fish and Wildlife Service would need to agree. The parties indicated their intent to contact the Service to investigate this option. It was noted that some low flow channel construction/maintenance is necessary to protect the Alessandro Road Bridge.

The draft waste discharge requirements recognize the construction and maintenance of this low flow channel as part of the Reach 3B project. If this element is changed, then revisions to the waste discharge requirements could be made, if necessary. The only change that staff foresees would be the description of the project elements in Finding #7. Since these are Waste Discharge Requirements, rather than an NPDES permit, the Board can revise them at any time to make appropriate changes.

Wildlife Corridor

As now planned, the Reach 3B project would include the construction and maintenance of a 20 foot-wide maintenance road/trail on the south side of the Creek in the Reach 3B project area, to San Timoteo Canyon Road. Upstream of that road, the maintenance road/trail would be constructed on the north side of the Creek. A 20 foot-wide vegetated upland corridor would be maintained on the opposite side of the Creek from the maintenance road/trail. During the October 11th discussion, the rationale for this design was discussed. Corps representatives indicated that the original design called for the maintenance road/trail to be located on the south side of the Creek along the entire length of the Reach 3B project. However, Corps staff indicated that this design was modified in response to a concern expressed by the City of Redlands that the trail would be too close to the railroad upstream of San Timoteo Canyon Road, posing a threat for recreational users, particularly equestrians. The railroad had also expressed concerns about the proximity of the proposed trail to its facilities. Mr. George indicated that the City's recommendation was that the maintenance road/trail be moved to the north side of the Creek upstream of San Timoteo Canyon Road *with* the wildlife corridor, rather than that the corridor be moved to the south side of the Creek adjacent to the railroad. This placement of the wildlife corridor is clearly not desirable, given its proximity to the railroad, nearby agricultural operations and the need to traverse these impediments to reach habitat resources in the adjoining hillsides. The parties discussed an alternative whereby the trail would be discontinued at San Timoteo Canyon Road and a narrower maintenance road would be constructed along the south side of the Creek. It was pointed out that equestrians and other recreational users can use an existing trail (old road) on the north side of the Creek upstream of San Timoteo Canyon Road, as well as the Creek bed itself, as is now common practice. The Corps expressed openness to this idea but indicated that concurrence from the County Flood Control District would be necessary. It is not clear that all parties, including the City of Redlands, were in agreement with this revised design. In addition, questions concerning access to the now private properties on the north side of the Creek need to be resolved. Board staff believes that resolution of this matter would have no substantive effect on the draft waste discharge requirements. Again, if it appeared necessary to do so, the project description in Finding #7 could be amended at any time to reflect any such changes.

Water Supply

The parties also discussed concerns about the long-term water supply for the Creek. This concern stems largely from the fact that the Yucaipa Valley Water District is contemplating decreases in its wastewater discharges to the Creek, which are responsible to a large degree for the growth of riparian and wetland vegetation in the Creek. Board and Corps staff pointed out that the proposed

wastewater diversion is not related to this project and is outside the authority of the Corps and County Flood Control District. The Corps/County are responsible to assure the establishment and maintenance of vegetation until certain success criteria are achieved. This will entail the provision of an adequate water supply. The success criteria will be specified in the Plan of Action.

Sediment Analysis

Greg Ballmer of the Tri-County Conservation League reiterated his question about the extent and nature of any analyses that had been conducted to evaluate the effects of the San Timoteo Creek project on sediment transport to the Santa Ana River. He also asked whether there had been any analysis of the effects of any changes to the sediment regime on habitat within the River. Mr. Hall of Tetra Tech, a consultant to the Corps, indicated that extensive sediment analysis had been conducted in the early 1990's. He indicated that the San Timoteo Creek sediment contribution was a small part of the total sediment load that reaches the River from the steep gradient mountain tributaries. He indicated that he was not aware of any analysis of Santa Ana River habitat effects that might result from the San Timoteo Creek project as a whole, but stated that he thought that any such effects would not be significant.

In summary, Board staff are preparing an errata sheet that will address the recommendation that the description of the mitigation be modified to reflect the San Timoteo Creek watershed as the area of first choice. We do not believe that any additional changes are warranted at this time. Since the draft requirements are Waste Discharge Requirements rather than an NPDES permit, they can be reopened at the Board's discretion to make any revisions needed to address changes in the project, e.g., an alternative design for the low flow channel. Copies of the draft requirements were sent to all interested parties for specific comments and recommendations. To date, we have not received any such specific comments.

3. **Reclaimed Water Use to Augment Lake Elsinore** – Staff has participated in a recent series of meetings with representatives of Elsinore Valley Municipal Water District (EVMWD) and the City of Lake Elsinore (City) concerning the possibility of using EVMWD reclaimed water, in combination with pumped groundwater, to help stabilize the level of Lake Elsinore. The impetus for the meetings and the proposal to discharge reclaimed water is the concern that because of low natural inflow, the level of the lake is declining, and there may be significant adverse impacts to beneficial uses. The EVMWD reclaimed water is a tertiary treated effluent, and with the exception of use for a potable water supply, it is suitable for all beneficial uses (including water contact recreation).

However, there are concerns about the use of this effluent contributing to nutrient enrichment. Lake Elsinore is impaired due to the presence of excess nutrients

which have entered the lake in the runoff from the San Jacinto watershed. Since Lake Elsinore rarely fills and overtops into Temescal Creek and the Santa Ana River, it mostly acts as a sink, and the nutrients discharged into the lake tend to remain there. The levels of nutrients in the lake have caused significant algae blooms, resulting in oxygen depletion problems, fish kills and very serious odor problems.

The EVMWD effluent contains approximately 2 mg/l of phosphorus. Therefore, the addition of large quantities of EVMWD effluent into the lake would also result in the discharge of significant quantities of phosphorus into the system. At three million gallons per day, approximately fifty pounds per day of phosphorus would be introduced into the lake. Unfortunately, there are simply not enough good alternatives to reclaimed water to stabilize the level of Lake Elsinore. The alternatives include imported water and pumped groundwater.

Many studies have been conducted concerning the nutrient problems in Lake Elsinore and potential solutions. It is not clear to the technical experts whether it would be appropriate to add the reclaimed water to the lake because of the potential for the added nutrients to trigger an algae bloom. Unfortunately, withholding reclaimed water from the lake also has disadvantages, in that there are more opportunities to re-suspend the nutrients in the lake sediments as wind action works on a shallower lake. It is also possible that the shallower lake will be much more subject to algae blooms and fish kills. There are no easy answers to this problem.

We have indicated to both the City of Lake Elsinore and EVMWD that we would be willing to support a pilot or trial program intended to generate additional water quality data that would assist in developing and implementing long-term solutions for the lake. The program would include extensive monitoring and data evaluation on the effects of the use of reclaimed water, including changes in water column nutrient levels and algal biomass. The City and EVMWD have often been at odds concerning management and operation of the lake, but we have told them that there must be support from both jurisdictions and from the County of Riverside before we will make this EVMWD permit amendment a high priority for the office. We will present additional information to you concerning this proposal, as it develops.

- 4. Orange County Municipal Separate Storm Sewer System (MS4) Permit –**
The Regional Board held public workshops on the draft Orange County MS4 permit (Tentative Order No. 01-20) at Board meetings in June, July and September. In response to comments and other input received concerning the staff proposals, a number of drafts of the permit have been circulated. These drafts were then discussed at the subsequent public workshops. There have also been significant written comments that have been provided concerning the various drafts.

Staff has reviewed and considered all of the oral and written comments concerning the tentative permit, and a final draft will be released for public review on November 5, 2001. Also, a special board meeting has been scheduled for December 19, 2001, for board consideration of this permit. With the release of the final draft on November 5th, 45 days will be provided for public review prior to Board consideration on December 19th. The final draft will propose relatively few changes in the previous draft. Therefore, staff is requesting that comments on the final draft be submitted by November 19th. All comments on the November 5th draft that are received by the Regional Board before November 19th will be included in the final response to comments.